

In re Patent Application of:

SAUNDERS ET AL.

Serial No. 10/730,753

Filed: 12/08/2003

REMARKS

Claims 1-31 remained in the application prior to this amendment. The Examiner allowed claims 10-23 and indicated that claims 4-8, and 26-29 were objected to as dependent upon rejected claims but were otherwise allowable. The Examiner rejected claims 1-3, 9, 24, 25, 30 and 31.

Applicants appreciate the Examiner's indication of allowable subject matter.

Applicants have considered the Examiner's comments in the first paragraph on page 2 of the Office Action, and believe that the use of the term "therebetween" is correct without a space and have therefore made no change.

The subject matter of claims 3 and 4 have been incorporated into claim 1. Since claim 4 had been previously indicated as allowable, then claims 1-9 should be allowable with this amendment.

The Examiner rejected claims 24, 25, 30 and 31 as anticipated by Hou et al. Independent claim 24 upon which each of the other rejected claims depend, specifically distinguishes between licensed and unlicensed transceivers/users. The Hou et al. reference does not contain the word "license" or "licensed" in its text. Therefore, Hou et al. cannot anticipate claims 24, 25, 30 and 31.

Further, there is no teaching or suggestion in Hou et al. that would render obvious the distinctions between licensed users and unlicensed transceivers as recited in these claims. The Hou et al. patent is directed to bi-lateral communication between

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subscriber terminals and a cable head end of a cable/data distribution network. In Hou et al., there is no need for licensed or unlicensed transceivers, because Hou et al. is a cable transmission system, and not an over-the-air transmission system which would be regulated by licensing by a regulatory body such as the FCC.

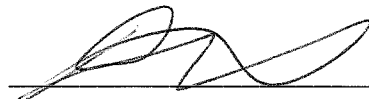
Accordingly, applicants respectfully request that the Examiner reconsider the rejection of claims 24, 25, 30 and 31, and allow them. All of the other claims in the application should now stand allowed by virtue of incorporating the allowed subject matter into those claims.

Accordingly, applicants respectfully request that the Examiner reconsider the rejections in the last Office Action and allow the application to issue as a patent.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 01-0484 and please credit any excess fees to such deposit account.

Respectfully submitted,



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